

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Monday, November 7, 2005

Mayor James Schmidt called the meeting to order at 7:06 p.m. Council members present: Margot Levy, Ron Chlipala, Bill Coburn, Michael Helland, Alan Bernholtz and Skip Berkshire. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Town Planner John Hess and Design Review Coordinator Molly Minneman (for part of meeting).

Schmidt noted council discussed proposed 2006 budget items in work session prior to the regular council meeting.

Schmidt congratulated mayor-elect Alan Bernholtz and council members-elect Billy Rankin and Leah Williams, who will be seated November 21, 2005.

Approval of the minutes of the October 4, 2005 regular council meeting.

Coburn moved and Levy seconded to approve the minutes of the October 17, 2005 regular council meeting and the October 24, 2005 special council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. PUBLIC COMMENTS

Steve Glazer of the Coal Creek Watershed Coalition briefed council on plans by Phelps-Dodge to transfer ownership of the water treatment plant at the Keystone Mine. He also noted that the permit for the treatment plant is up for renewal. Glazer noted that Gunnison County officials directed county staff to investigate the permit renewal and transfer of ownership process. Schmidt directed town staff and the Town attorney to contact the county to discuss the topic. Glazier also updated Council on the monitoring of Coal Creek and indicated a report will be available in early December, 2005.

2. COUNCIL COMMENTS

Schmidt:

- Reported the Board of County Commissioners (BOCC) will make a site visit to the proposed Whetstone Business Park on November 8, 2005 and will also hold a meeting at Crested Butte Town Hall to review a revised sketch plan for the project. Council directed staff to ask the BOCC to refer the revised sketch plan back to the County Planning Commission because the revised sketch plan is considerably different from the earlier sketch plan.
- Recently attended a Rural Transportation Authority (RTA) meeting. The RTA reports 77 percent more people are booked on winter flights into the Gunnison-Crested Butte airport than at this time last year.
- Congratulated residents of Gunnison County for strongly supporting ballot referendum C in the recent election.

Bernholtz:

- The Crested Butte Arts and Recreation (CBAR) Arts planning group recently held several meetings and is making progress. The group expects to have a report by early next year.
- The Washington Gulch working group recently held a meeting regarding a proposed plan for winter motorized and non-motorized use of Washington Gulch. The proposal was well received with few negative comments. Essentially the plan divides the drainage with non motorized users on one side of the road, and motorized users on the other side.

Chlipala:

- Noted that a Northwest Colorado Council of Governments water quality and quantity committee (NW COG/QQ) meeting will be held in El Jebel November 10, 2005. Gunnison County Attorney David Baumgarten will give a report on water quality issues.
- Reported from the Crested Butte Community School Accountability Committee. The committee wants to ensure a quality school district and believes a quality school district contributes to the economic vitality of the area. The State is reviewing the per-pupil funding amount.

Levy:

- Attended a recent West Elk Loop Scenic Byway Steering Committee meeting. Construction has started on the Carbondale end of the Carbondale to Crested Butte trail. The committee has requested a grant for a vault toilet (and pumping service) at the Kebler Pass trailhead. The Committee wrote a letter in support of the Land Trust regarding the Floresta Mine.
- Attended the recent Gunnison County Housing Authority Conference on Affordable Housing.
- Attended a meeting in Delta regarding the GMUG National Forest (Grand Mesa, Uncompahgre, and Gunnison) and roadless areas. Most of the testimony was from motorized users on the Grand Mesa.
- The Chamber of Commerce will be hosting a holiday gala.

3. **PUBLIC HEARINGS**

A) BWT Restaurant Corporation dba Forest Queen Café Application for a Hotel and Restaurant Liquor License.

Schmidt opened the public hearing and noted that the Forest Queen Café currently has a Beer and Wine License and is upgrading to a Hotel and Restaurant Liquor License.

Jefferson Lewis of the Forest Queen Café was in attendance. Hughes noted that all the paperwork for the license was in order.

Coburn moved and Chlipala seconded to approve a Hotel and Restaurant Liquor license for the Forest Queen Café. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Resolution No. 12, Series 2005- A Resolution to Adopt the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2006, Beginning the First Day of January 2006 and Ending the Last Day of December 2006.

Schmidt read the title of the Resolution and opened the public hearing.

There were no public comments. Bell explained the mill levy figures included in the resolution.

Bernholtz moved and Helland seconded to approve Resolution No. 12. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Resolution No. 14, Series 2005- A Resolution Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2006, and Ending the Last Day of December 2006, Estimating the Amount of Money Necessary To Be Derived From Revenue Sources, And Setting Forth the Total Estimated Expenditures For Each Fund.

Schmidt read the title of the Resolution and opened the public hearing. There were no public comments.

Council agreed to add \$25,000 to the general capital fund for the 3rd Street sidewalk project. Council agreed they did not want to fund \$15,000 as requested for a staff van for commuting to/from Gunnison. Levy directed staff to bring the topic of a commuter van to the staff benefits committee for discussion.

Bernholtz moved and Coburn seconded to approve Resolution No. 14 as amended by adding \$25,000 to the general capital budget thus increasing the general capital budget to \$1,470,369 and the total budget to \$9,628,161. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Ordinance No. 17, Series 2005- An Ordinance Amending Section 14-1-10 of the 1987 Crested Butte Municipal Code by Increasing the System Development Fees, Otherwise Known as "Tap-In Fees," To \$6,750 Per EQR For Water and \$6,750 Per EQR For Sewer; Amending Section 14-1-11.3 Of the Code By Increasing Sewer Service Rates to \$26.00 Per Month Per EQR; And Amending Section 14-1-12 Of the Code By Increasing The Availability of Service Fee To \$7.00 Per Month For Water For Each Building Site and \$7.00 Per Month For Sewer For Each Building Site.

Schmidt read the title of the ordinance and opened the public hearing. There were no public comments.

Bernholtz moved and Levy seconded to approve Ordinance No. 17. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Ordinance No. 16, Series 2005- An Ordinance Amending Article 5-2 of The Town Code Providing for a Temporary Reduction to Certain Provisions of the Business and Occupation Licensing Tax for Fiscal and Calendar Year of 2006; and Providing the Automatic Repeal Thereof Effective on the First Day of January 2007.

Schmidt read the title of the ordinance and opened the public hearing. There were no public comments.

Coburn moved and Levy seconded to approve Ordinance No. 16. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Ordinance No. 14, Series 2005- An Ordinance Clarifying the Business Organization, Reorganization or Restructuring Exemption from Imposition of the Town's Land Transfer Excise Tax.

Schmidt read the title of the ordinance. There were no public comments. Magner clarified details of the ordinance regarding business organization and transfer of business interests. She clarified that the Real Estate Transfer Tax does not affect transfers, which are gifts that involve no consideration other than love and affection as evidenced by the terms of the documents involved in the transfer.

Bernholtz moved and Berkshire seconded to approve Ordinance No. 14. Roll call vote taken with all voting yes. **Motion passed unanimously.**

G) Ordinance No. 15, Series 2005-An Ordinance Amending the Code With Respect To The Size and Purchase Prices of Crested Butte Cemetery Lots. Schmidt read the title of the ordinance and opened the public hearing.

There were no public comments. Schmidt noted for the record an email message (included in council packet) from Trudy Yaklich regarding the proposed cemetery ordinance.

Council discussed the topic and several council members voiced support for increasing the price of cemetery plots and subdividing some of the lots to provide for smaller plots (as well as larger plots). Chlipala voiced opposition to subdividing any of the plots, noting that old timers were opposed to changes at the cemetery. Bernholtz suggested raising the price of cemetery lots now, and re-visiting the question of subdividing some of the plots once the re-survey of the cemetery is complete. Several council members agreed with Bernholtz's suggestion. Council also directed staff to investigate increasing the size of the cemetery.

Bernholtz moved and Levy seconded to approve Ordinance No. 15 as amended by deleting the last seven (7) whereas'; deleting any reference to plot size in the ordinance; and revising section 1 to state: "Any person who shall desire to purchase a lot in the Cemetery shall pay to the Town of Crested Butte the sum of one thousand dollars (\$1,000)." Roll call vote taken with all voting yes. **Motion passed unanimously.**

EXECUTIVE SESSION

For Discussion of a Personnel Matter Under C.R.S. Section 24-6-402 (2) (f).

Bernholtz moved and Levy seconded to go into executive session for discussion of a personnel matter under C.R.S, Section 24-6-402 (2) (f) and to invite council members-elect Billy Rankin and Leah Williams to attend. Roll call vote taken with all voting yes.

Council went into executive session at 8:28 p.m. and returned at 8:40 p.m. Council took action as noted in item A) under New Business.

NEW BUSINESS

A) Appointment of Crested Butte Municipal Court Judge and Deputy Municipal Court Judge For Two-Year Terms Commencing December 1, 2005.

Levy moved and Berkshire seconded to appoint Ben Eden to a two year term as municipal court judge effective December 1, 2005 and Carolyn Blanchard as deputy municipal court judge effective December 1, 2005. All other previous appointments are declared null and void. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Request for Donation of a Public Access Trail Easement Along the Woods Walk Trail.

Crested Butte Land Trust (CBLT) representatives Vicky Church and Sandy Leinsdorf were in attendance. Magner noted a “present condition” report regarding the easement needs to be prepared. Hess noted that he intends to prepare a present condition report. Council discussed various aspects of the proposed easement. It was noted that the easement will be amended to allow ski trail grooming equipment.

Schmidt took a brief break at 8:55 p.m. and turned the meeting over to mayor pro-tem Alan Bernholtz.

Magner noted that the Town usually accepts conservation easements by ordinance. Land Trust representatives indicated that due to tax benefits the donor of the easement wants to finalize the donation by late November 2005.

Due to the time constraints, CBLT representatives suggested CBLT accept the easement with the intent that the CBLT would then donate the easement to the Town. Council indicated support for acceptance of the easement and directed the Town Attorney to draft an ordinance.

Schmidt returned at 9:00 p.m.

C) Ordinance No. 18, Series 2005- An Ordinance Amending the Town’s Zoning and Land Use Ordinance Regarding the Definition of Detached Buildings.

Schmidt read the title of the ordinance and noted memo from Design Review Coordinator Molly Minneman.

Helland questioned if he should step down on the matter because his residence could be affected by the ordinance. Magner advised Helland to excuse himself. Helland stepped down and left the room.

Minneman gave a brief presentation regarding the ordinance and presented a visual display indicating several residences with connectors. Minneman explained that under the proposed ordinance certain primary structures that are connected to an accessory building could receive additional floor area ratio (F.A.R) but the connector between the primary building and the accessory would need to be removed. It was noted that only a few houses would be affected by the ordinance.

Chlipala and Coburn voiced opposition to requiring the connector between buildings to be removed in order to obtain additional F.A.R. on the primary structure. Bernholtz and Levy expressed support for the ordinance as proposed.

Bernholtz noted that the ordinance was specifically drafted to respond to the request of an individual.

Council agreed to send Ordinance No. 18 back to the Board of Zoning and Architectural Review (BOZAR) noting concerns regarding the requirement that the connector be removed. Council directed BOZAR to reconsider the ordinance and provide a revised ordinance for the December 5, 2005 council meeting.

Helland returned to the meeting.

D) Request For Funding (Intergovernmental Partnerships)

Bell noted certain funding requests for Intergovernmental Partnerships were outlined in his November 3, 2005 memo to the council.

The item was discussed in work session prior to the regular council meeting.

Bernholtz moved and Levy seconded to appropriate \$2,000 for the Gunnison County Affordable Housing conference (held in late October 2005). The funds are to be appropriated out of the 2005 affordable housing fund. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Levy moved and Berkshire seconded to appropriate \$1,167 from the 2005 Venture Fund for Region 10 second home survey for Gunnison, Hinsdale, Ouray and San Miguel Counties. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council indicated they did not want to participate in funding Rocky Mountain Climate Organization at this time (the topic is noted in Bell's memo and was also discussed earlier in work session). Council directed Bell to find out more about the Rocky Mountain Climate Organization and what they do.

E) and F) Proclamation Honoring Jim Gebhart and Proclamation Honoring Joe Sedmak. Schmidt read the proclamations. Council complimented Schmidt on the wording of the proclamations. Schmidt directed staff to frame the proclamations and give to the Gebhart and Sedmak families.

LEGAL MATTERS TOWN ATTORNEY

Explained that she plans to meet with Steve Glazier of the Coal Creek Watershed Coalition and Gunnison County Officials regarding the renewal of the permit for the Keystone Mine water treatment plant and the transfer of ownership of the plant from Phelps-Dodge to U.S. Energy.

7. STAFF REPORTS

Bell:

- Noted he will be on vacation and out of town from Friday Nov. 11 to Saturday Nov. 19.
- He anticipates a light agenda for the Nov. 21, 2005 council meeting.
- Reported that he will work on scheduling a council/staff retreat for

December 15, 2005 or January 9, 2006 (back up date).

8. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Berkshire:

Suggested that council schedule time to discuss winter parking concerns.

Bell explained he would talk with staff about scheduling a work session on November 21 regarding parking.

Coburn:

Noted that two of the three council members who serve on Crested Butte Arts and Recreation (CBAR) subcommittee for recreation will no longer be on the council.

Coburn suggested the subcommittee be expanded to include a town employee, one additional council member (in addition to Coburn), a representative of the Metropolitan Recreation District and a representative of the East River Skating Association.

9. **OTHER BUSINESS TO COME BEFORE COUNCIL**

Bell presented outgoing Mayor Jim Schmidt and outgoing council member Michael Helland with plaques commemorating their service to the Town.

10. **COUNCIL MEETING SCHEDULING**

No discussion.

Schmidt adjourned the meeting at 9:55 p.m. by unanimous consent.

Alan Bernholtz, Mayor Pro-Tem

Eileen Hughes, Town Clerk